

AMENDMENTS TO THE DRAWINGS:

The attached drawing sheet includes changes to Fig. 3 to show supporting bars (9) each including two feed channels (15) and a longitudinal plane of symmetry (S2).

Attachment: One Replacement Sheet including Fig. 3.

REMARKS

Applicant submits this Amendment in reply to the Office Action dated March 23, 2006. As an initial matter, Applicant gratefully acknowledges the Examiner's indication of the allowability of the subject matter of claims 13-15.

By this Amendment, claims 1-15 have been amended, and Fig. 3 has been amended. Accordingly, claims 1-15 are pending in this application. No new matter has been introduced by this Amendment.

Claims 1-15 have been amended to remove reference numbers and to bring the claims into conformance with U.S. patent practice. Claim 1 is the sole independent claim.

In the Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a); claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,168,045 to Ansaloni ("Ansaloni") in view of U.S. Patent No. 6,405,894 to Leather ("Leather"); and claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansaloni in view of Leather and U.S. Patent No. 5,966,910 to Ribani et al. ("Ribani"). The Office Action does not state the reasons for rejecting claim 8. It is Applicant's understanding that the Office Action was intended to reject claim 8 over Ansaloni in view of Leather. If our understanding is incorrect, we request that the Examiner clarify this issue in the next communication from the PTO.

Regarding the objection to the drawings, the Office Action contends that the drawings do not show every feature of the invention specified in the claims. Specifically, the Office Action states that the drawings do not show the supporting bars having at least two feed channels and the longitudinal plane of symmetry (S2). Fig. 3

has been amended and shows several supporting bars (9) that each have two feed channels (15) and a longitudinal plane (S2) of symmetry.

Applicant respectfully traverses the rejection of claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over Ansaloni in view of Leather and of claims 9-12 under 35 U.S.C. § 103(a) as being unpatentable over Ansaloni in view of Leather and Ribani. Ansaloni, Leather, and Ribani, either alone or in any combination, do not disclose or suggest the invention recited in independent claim 1. For example, independent claim 1 recites a unit for feeding capsules onto a machine for filling capsules including, among other things, a hopper having a first axis of rotation and fitted with feed channels that each have a longitudinal second axis. Claim 1, as amended, further recites “each feed channel being positioned such that said second axis forms an angle of other than 90° with a reference plane perpendicular to said first axis.” Ansaloni, Leather, and Ribani do not disclose at least this aspect of the invention.

The Office Action is silent regarding this aspect of the invention as set forth in independent claim 1. The Office Action does not state that Ansaloni discloses or suggests that “each feed channel [is] positioned such that said second axis forms an angle of other than 90° with a reference plane perpendicular to said first axis.” Instead, the Office Action states that Ansaloni fails to disclose “a truncated, conical hopper” and that Leather discloses “a truncated, conical hopper.” However, Applicant does not claim a truncated, conical hopper. A hopper having feed channels positioned such that the axes of the feed channels each form an angle of other than 90° with a reference plane perpendicular to the hopper’s axis of rotation is not the same as a “truncated, conical” hopper since the orientation of the hopper’s axis of rotation with respect to the axes of

each feed channel is independent of the shape of the hopper. Ansaloni fails to disclose or suggest both of these aspects.

Ansaloni discloses a hopper (10) storing bottom shells (2) and having a number of tubular sleeves (16) that receive the bottom shells (2) successively from the hopper (10) (Ansaloni, col. 2, ll. 59-67). The tubular sleeves (16) each have an axis (A) that extends parallel to an axis (X) of rotation of the hopper (10) (Ansaloni, Figs. 1-2 and col. 2, ll. 45-46, and col. 3, ll. 6-7). The axes (A) of each of the tubular sleeves (16) form an angle of 90° with a reference plane perpendicular to the axis (X) of the hopper (10). Therefore, Ansaloni does not disclose or suggest that the longitudinal second axis of each feed channel forms an angle of *other than* 90° with a reference plane perpendicular to the axis of rotation of the hopper, as set forth in independent claim 1. Some advantages of orienting the second axis with respect to the first axis as set forth in the claim are described in the specification, for example, on p. 6, ll. 17-26, and p. 11, ll. 20-25, of the specification.

Leather also does not disclose or suggest that the longitudinal second axis of each feed channel forms an angle of other than 90° with a reference plane perpendicular to the axis of rotation of the hopper, as set forth in independent claim 1. Leather discloses an object assembly device (10) that automatically assembles rolling objects, such as anti-friction bearings, buckshot, golf balls, etc. (Leather, col. 4, ll. 2-5). The device (10) includes a hopper (12) including a generally cylindrical upper body portion (15) and a generally conical lower body portion (17) (Leather, col. 4, ll. 8-13). A collection of like rolling objects to be assembled is poured into the hopper (12) and

along a helical groove (52) "in continuous single-line succession" and outwardly from the hopper (12) (Leather, col. 5, ll. 39-43, 50-54).

However, Leather's hopper (12) does not rotate since it is mounted using a mounting flange (19) to a support stand (14) (Leather, col. 4, ll. 8-10 and 13-19). Therefore, Leather's hopper (12) does not include a first axis of rotation, as set forth in claim 1. Furthermore, Leather's helical groove (52) is a single groove that "extends substantially 360 degrees from a top of the feed cone 51 to the bottom" (Leather, col. 4, ll. 61-63). The helical groove (52) does not have a longitudinal axis, as set forth in claim 1. Therefore, Leather also does not disclose or suggest that a longitudinal axis of a feed channel forms an angle other than 90° with reference to a plane perpendicular to the first axis, as set forth in claim 1.

Furthermore, Leather discloses a single groove. Therefore, Leather does not disclose or suggest a number of feed channels that are each positioned such that the second axes of the feed channels each form an angle of other than 90° with a reference plane perpendicular to the hopper's axis of rotation, as set forth in independent claim 1. If one were to modify Ansaloni's hopper to include the helical groove of Leather's hopper, Ansaloni's hopper would include a single tubular sleeve. Therefore, there is no motivation to combine the Ansaloni and Leather references, and even if one were to combine the two references, the combination would not produce the recited invention as set forth in claim 1.

With respect to the prior art rejection of claims 9-12, Ribani does not cure the deficiencies of Ansaloni and Leather. Ribani discloses a machine for packaging tablets including a magazine (15), which stores the bases (14) of the capsules (Ribani, col. 2, ll.

49-50). The bases (14) pass through apertures in the magazine (15) through vertical tubes (17) (Ribani, col. 2, ll. 49-53). However, the magazine (15) does not rotate and therefore does not have an axis of rotation. Ribani does not disclose or suggest a first axis of rotation for a hopper, as set forth in independent claim 1. Therefore, Ribani also does not disclose or suggest that a longitudinal axis of the vertical tubes (17) forms an angle other than 90° with reference to a plane perpendicular to an axis of rotation, as set forth in claim 1.

Ansaloni, Leather, and Ribani do not disclose or suggest that the longitudinal second axis of each feed channel forms an angle of other than 90° with a reference plane perpendicular to a first axis of rotation of the hopper, as set forth in independent claim 1. Accordingly, the allowance of claim 1 is respectfully requested.

Claims 2-12 are allowable at least due to their dependency from independent claim 1. In addition, each of claims 2-12 recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

For example, regarding claim 4, the Office Action states that Ansaloni discloses “a number of supporting bars connected to said hopper and each supporting bar having at least two of said feed channels,” as set forth in the amended claim. The Office Action contends that Ansaloni’s rods (27) serve as supporting bars and that the tubular sleeves (16) serve as feed channels. However, the rods (27) of Ansaloni are solid and do not

include any channels and the tubular sleeves (16) include only a single channel, as shown in Fig. 3.

In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 21, 2006

By:



Denise L. Poy
Reg. No. 53,480

Attachment: One Replacement Drawing Sheet including Fig. 3